671 779 692 and here the spirit of the Koran is the guide to proper behavior.

[171] In the area of formal law, the Kanuri follow the same legal school prevalent throughout the Western Sudan--the Maliki legal school. Maliki law covers criminal law, rules of evidence, procedure, sentencing, property rights, contracts between individuals, law of marriage and divorce, inheritance and numerous other areas. Formal courts exist in Bornu, pre- [693] sided over by Kanuri Alkalis, or judges. The Alkali begins his training, like so many Kanuri boys, by study of the Koran with a Malam. He completes his training, at present, in the Legal School at Kano. Islamic law in Northern Nigeria falls within the general area of "Native Law and Custom."

3. Education.

871 779 Education, as the Kanuri understand it, means studying the Koran. From about the age of six, both boys and girls are [563] sent to a Malam to learn to pray. Every village has someone who can perform this minimum function, but only the towns have [562] Malams. It is sufficient for a girl to memorize the prayers, [565] and most boys proceed no further. However, parents who have greater aspirations for their sons, generally sons from upper class homes, will send their sons to live in the house of a Malam and study with him. Occasionally boys who show aptitude in their studies will be sent on to a more important Malam to 876 779 continue their studies. Under the tutelage of the Malam, the

64 the ruling body in Bornu Emirate. Native Authority (NA) officials, under the overall jurisdiction of the Shehu, are appointed by the Shehu's council (modules). These include the Ajia, the highest official representing the NA in a district, 634 and all the lesser office-holders in that district. In Geidam District, Yerima Mustapha is the most important political fig- [693] ure. Second in importance to Yerima Mustapha in Geidam is the Alkali of Geidam, Alkali Baba Kura Imambe, who served as Alkali in Geidam for most of the year in which the present [632] study was done, and then was promoted to a higher court. The three Lowans, Lowan Ashek, Lowan Kolo Kolo, and Serɔkin Garba, Lowan of the Hausa ward, follow. Their jurisdiction is limited to their own wards within the town. Then follow a long list of officials, all NA appointees, each with his own area of specialization: the Chief Scribe, Treasurer, Primary School Headmaster and three teachers, Agricultural expert, Veterinary, Hides and Skins Inspector, Forestry expert, Local Government Advisor, Adult Education Organizer, Dispenser, and Sanitation Inspector. The Chief Scribe and the Treasurer both have assistants. Lowest of the NA officials are the NA messengers. Six NA messengers are attached to the Ajia of Geidam; one NA messenger serves the Alkali.

Most of the officials listed above serve the district of Geidam, though all are permanently stationed in the town. The Ajia and his staff, headed by the Chief Scribe and the Treasurer, are responsible for the administration of the entire dis-

[GEIDAM]

693 554 The personnel who occupy positions in the judiciary, however, are bound to the social system. The Alkalis of Geidam exhibit a pattern in their personal histories, and are representative of specific social strata--the Koranic malams, the Imams and the Alkalis--whose sons follow their fathers and pursue the same goals. Alkali Baba Kura was the son of Imam Komi, the chief Imam at Maiduguri who later became Chief Alkali. He studied the Koran, explanations of the Koran, Hadith (traditions), and Tarikh (chronicles) at his father's house and at the houses of other learned Malams in Maiduguri, and then went to study law at the Kano Law School. He was appointed Alkali for the districts of Magumeri and Gubio when he was only twenty-five years old, at the time when Yerima Mustapha was Ajia of Magumeri, and Yerima became his mentor. Alkali Baba Kura remained in Magumeri for four years. After Yerima moved to Geidam, Alkali Baba Kura was transferred to Geidam. One year later he was elected to serve in the Northern legislature at Kaduna, while continuing on as Alkali of Geidam. Then in August, 1957 he was again promoted, this time to be Inspector of Courts in Maiduguri. He and two other powerful and important Alkalis make up the Shehu's court. This is an extremely important position for so young a man, and Alkali Baba Kura owes much of his success to help which he received from Yerima, although his own family connections were still more important in helping rapidly to further his career. Alkali Baba Kura's older brother is today Imam Ibrahim, having succeeded his father as chief Imam in

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[GEIDAM]

693 554 Maiduguri. He also holds the post of Alkali for Maiduguri District. Replacing Alkali Baba Kura in Geidam was another young man, Alkali Tijani Nanami, whose father had also been the Alkali in Geidam years earlier, in 1939-1940. Thus the same families tend to retain their positions of power and [66] prestige in the social system. If the past can serve as a reliable guide, Yerima will again further the career of the new Alkali, so long as he sees that his help is appreciated and rewarded by proper reciprocal behavior, and in this way the close bond which he has always seemed to create and maintain with Alkalis in his district will serve to smooth the way in the administration of his district.

3. The Role of Authority Figures: Sholo.

627 692 A very widespread Kanuri method of obtaining in-group justice is through the arbitration of disputes by a person in a position of authority. This practice is called sholo. Disputants within a particular craft or occupation will go to the head of their craft group for arbitration. The head of the zogors arbitrates disputes between zogors. The Lowan arbitrates disputes within his ward or his village. The wakil has disputants brought to him; he then presents them before the Ajia [618] for sholo. The Alkali will settle disputes out of court. The British officially forbade Lowans and Ajias from hearing cases [719] and arbitrating in disputes. However, Alkali Baba Kura says that according to the Koran, the settlement of disputes through

[GEIDAM]

627 arbitration is encouraged, so long as the complainant has his
692 [779] grievance adjusted.

627 Carrying out sholo is one of the most important functions
662 of the individual in a position of political authority. It is
431 subject to various forms of abuse, however, though there are self-regulating mechanisms which inhibit the continuation of abuses. The matter of fees and gifts in cases of sholo can be [192] a source of difficulty. The words kunjo and nasha are used for any sort of gift. Kafelo is the traditional gift which the small man, the talaka, gives to the important man, the kantuoma. Risa (Arabic) means simply a bribe. Wushira is the fee paid [779] to the court after a dispute is settled. According to Alkali Baba Kura, kafelo and risa amount to the same thing, and both are forbidden by Maliki law since gifts given with the expectation of preferences in the future are haram (forbidden according to religious law). Giving of kafelo is traditionally done nevertheless.

627 Before the hearing of a dispute, both parties give kafelo [431] to the mediator. If no kafelo is given, the dispute will not be heard. After a ruling is made in the dispute, the side which has received a favorable decision gives wushira to the medi- [693] ator. The reasoning involved in the giving of wushira is that if the case had gone to court a set fee would have been paid. When a case is heard in Sholo, therefore, the mediator receives as wushira a smaller fee than would have been paid in court.

Despite its outlawing by the British administration, sholo

[GEIDAM]

627 829 671 and he has had an opportunity to present his side of the dispute. If he feels that the mediator has been bribed and the [626] case has not been properly handled, he knows that he must never bring a case for sholo before that Ajia or Lowan again and he will let his relatives, friends, and neighbors know what occurred. If a decision has been against him, and he has no reason to suspect that it was not fairly given, then he cannot take the case for further sholo, since his case has already been decided. Taking his case before the Alkali would be to take it once again for sholo, and if he had trusted the Alkali more than he did the Lowan who originally gave sholo in the case, he would have brought his complaint directly to the Al- [693] kali in the first place. In addition, the court exacts wushira from the winner, more than is paid in sholo, as well as other fees paid to police who bring in witnesses, and to court appointed assessors of property, in property disputes.

4. Taxation and the role of kabuna.

663 651 The two primary responsibilities of a Kanuri political official are to properly administer his territory and to collect taxes. The first duty involves the handling of disputes and [565] maintaining adequate control over subordinates. So long as the traditional social system remains in effect, each class of individual will know its place, talaka will come to those in authority for sholo, subordinates will fear and respect their superiors, and those in power will not usurp their power by unduly exploiting the populace.

[GEIDAM]

1. Religious specialists.

792 872 875 [463] [462] The prototype of the religious specialist is the Malam. As noted earlier, anyone who has studied the Koran is referred to as a Malam. There are only thirty or forty Malams in Geidam, however, who devote themselves solely to Koranic studies and to the traditional role of teachers of the young. These full-time Koranic Malams have pupils living with them in their compounds, many sent into Geidam from the small surrounding [876] villages where there are no Malams. Others, children of Geidam residents, are sent each day to the Malam, where they are taught prayers and where they repeat in group chants sections [297] of the Koran read to them by the Malam. Young pupils of a Malam [735] are distinguished by their garb: they wear goatskins over one shoulder and carry a begging bowl. Every evening, after the evening meal, they appear on the streets begging for their Malam in the name of Allah.

792 [554] 793 The title of Gonyi is given to very learned Malams, who have learned the entire Koran by heart. There are very few Gonyis in Geidam. In addition to the Malams and Gonyis, there are three religious specialists who occupy distinct statuses which are given recognition by the traditional political authorities. These are: the Alkali, and the two Imams. The role of [893] Alkali is concerned with law and political organization as well as with religious practice, and has already been discussed in [192] connection with political organization. The role of Imam (the word Liman is used in Kanuri; from the Arabic al-imam) is solely a religious role, but it receives political recognition.

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651 in the Mediterranean, ensconced in Zinder (a tributary of Bornu) as the representative of the Bornu monarch. A slave raid carried on into Bornu territory by the monarch of this petty state, for the purpose of allowing him to pay some of his personal debts, was condoned by the Bornu "consul" because a portion of the spoils from the raid was to be sent to the Shehu. Richardson also expressed the opinion that much of the real power in Zinder was in the hands of the Shehu's representative rather than with the local authorities.(1)

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651 From the earliest records extant of the Kanuri empire in Kanem right up until the arrival of the British, a system of tax exemption obtained called the Kahram. Although it most often applied to religious mallams, who were recognised in this way for their esoteric knowledge in matters of law and religion, special services to the king were sometimes [212] rewarded in the same way. These exemptions were always recorded in writ- [451] ing, so that when the British arrived and began instituting their own form of universal taxation many of these documents, some claiming 990 years of [114] exemption, turned up. They were collected, translated and subsequently published by Palmer.(2)

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692 Judicial power was divided between the political leaders and the Muslim Alkalai (judges), as it is today. In the kingdom of the Mais centered at Birni Gazargamo, traditions tell of the Mainin Kanendi, literally the second to the king. This man was the chief judge of the state and, it is said, the second most important man in the realm.

In the house and the quarter of the Mainin Kanendi were twelve [693] other judges, who with himself constituted the high court of the realm. In the larger towns, the king appointed local mallams to act as judges, from

(1) Richardson, J. Mission to Central Africa; Vol. II, pp. 182ff; 1853
(2) Palmer, H.R. op. cit. pp. 12-51.

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692 whom appeals could be made to the high court in the capital. The keeper
693 of the records or scribe of the high court, the Talba was considered the
[645] third most important person in the kingdom. It is said that this high court plus its scribe served as a council to the king in the affairs of state because of its members' knowledge in matters of law and religion.

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692 When the Birni dynasty fell in the 19th century, Shehu Laminu
643 served as the highest judge in the land, thus bringing political and judicial functions even more closely together in the state. He kept the idea of an appeal court and local courts but did much of the high court adjud-
[631] ication himself. The relation of the temporal judiciary and its religious practitioners is illustrated by a European traveller's account in the 1820's,(1) who records that local judges' decisions could be reversed by the high court or the local political resident.

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463 The presence of a large upper class and a royal court with its patterns of specialized consumption, the uneven distribution of intensive cropping and craft production localities, the contacts with North Africa and to a lesser extent the western Sudan, for the last 1000 years, have all acted as conditions supporting the differentiation of labour in
[44] Bornu. This has produced the idea and the physical reality of the market.

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439 Trade has been a well organized aspect of the society for centuries. A complex system of distribution and production through the market was observed by the first travellers in the area. Grain was dispatched to Bilma up in the desert in return for salt. This trade so tied the people of Bilma to Bornu that even today when the trade has been much reduced, they still feel themselves very closely allied to the Kanuri. Natron from Lake Chad was taken to Kano and from there traded all over coastal West Africa.

(1) Denham, D. and Clapperton, H. op. cit. p.23

428 always be considered as getting some preference, although a surviving son who is of age (18-20) gets the largest share. When two sons of a deceased father have the same mother the younger son has no orthodox rights, since it is considered that the older brother is now replacing the father. However, it is customary that, if both are of age, the rule of two parts to one in favour of the senior in relation to junior holds sway, with the father's compound going to the senior. Three full brothers in Magumeri cut up the estate of their father in two parts at his death. Half the estate plus the compound went to the eldest brother while the other half was divided in two between the two younger brothers. A fourth younger brother was about thirteen years old at the time and living in another town - he received nothing. If the sons are from different mothers and both of age, the rules require equal sharing of the property, with the father's house going to the eldest.

A man is not free to dispose of his property to whomsoever he chooses. It must follow the rules of inheritance. However, he may before he dies ask a relative in front of witnesses to give
• [693] some special possession to a friend after his death. All cases of inheritance disputes that are adjudicated give ten per cent of the inheritance value to the court making the successful judgement.

12| Inheritance customs in any society are an attempt to give continuity and stability to existing social relationships as they refer to rights and prerogatives, given the fact of potential dislocation of the ongoing relational system by loss of membership through death. The universality of inheritance disputes or animosity developing from inheritance transactions recorded from all over the world attest to the inevitable conflicts which arise no matter what variety

793 228, arziyi) and their birth. There are mallams who form part of the
[565] highest ranking status group in the state as well as peasant and beggar mallams. Each political leader of any size has his own mallams
• [693] attached to his organization, as do many powerful men. Since Koranic knowledge is also legal knowledge the judiciary is a specialized, high status sub-group of mallams.

556 Beneath the political and religious occupations lie the
[565] broad base of peasant or commoner roles, which are differentiated
[441] primarily on the basis of material success. Among these occupations it was observed that the role of wealthy trader obtained the highest status. This is due to its being the most lucrative in comparison to
554 all other non-political occupations. Traditionally, the occupation of
829 butcher, blacksmith, tanner, petty broker, and barber are accorded shame (nungu) status in relation to other positions, while drummer-entertainers are also considered low status people who have no proper sense of dignity.

Informants defined shame status of occupations by whether or not it would be shameful for a "decent" free person whose father was a mallam or a political leader to take up the job, aside from reasons of economic necessity (kwansako) which (allegedly) excuses the role occupant from shame. The reasons given for shame (nungu) occupations are as follows:(1)

[826] (a) butcher - he cuts animals, mallams who do this are bad mallams; he takes life for money; he smells of blood (the Kanuri equate blood closely with life, soul and personal power).

(b) blacksmith - they made arms for the enemies of the Prophet.

(c) tanner - they smell badly; their work smells unpleasantly; only a man with no proper shame could do such work.

(1) Composite statement from informants.